

# SENATE BILL REPORT

## SB 5430

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As Reported by Senate Committee On:  
Environment, Water & Energy, February 4, 2009

**Title:** An act relating to water discharge fees.

**Brief Description:** Concerning water discharge fees.

**Sponsors:** Senators Fraser, Pridemore, Swecker, Rockefeller, McDermott and Shin.

**Brief History:**

**Committee Activity:** Environment, Water & Energy: 1/28/09, 2/04/09 [DPS, DNP].

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Majority Report:** That Substitute Senate Bill No. 5430 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser, Hatfield, Marr and Ranker.

**Minority Report:** Do not pass.

Signed by Senators Honeyford, Ranking Minority Member; Delvin, Holmquist and Morton.

**Staff:** Karen Epps (786-7424)

**Background:** The federal Clean Water Act (CWA) establishes the National Pollutant Discharge Elimination System (NPDES) permit system to regulate wastewater discharges from point sources to surface waters. The NPDES permits are required for anyone who discharges wastewater to surface waters, or who has a significant potential to impact surface waters. The Department of Ecology (Ecology) is delegated federal CWA authority by the United States Environmental Protection Agency (EPA).

Ecology also administers state discharge permits. A wastewater discharge permit places limits on the quantity and concentrations of contaminants that may be discharged and may require wastewater treatment or impose operating or other conditions. Ecology issues both individual permits (covering single, specific activities or facilities) and general permits (covering a category of similar dischargers) in the state and the NPDES permit programs.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Ecology establishes annual fees for issuing and administering state and NPDES discharge permits. Ecology is required to set fees for permits in an amount sufficient to fully recover but not exceed the program expenses, including permit processing, monitoring, compliance, evaluation, inspection, and program overhead costs.

**Summary of Bill (Recommended Substitute):** Ecology may charge an annual fee to municipalities for domestic wastewater facility permits of up to 18 cents per month per residence or residential equivalent that is contributing to the wastewater system.

Ecology may raise fees by the fiscal growth factor for the fiscal year 2010 and 2011, except that there may be no increase in fees for in those years for categories of dischargers whose fees exceed the costs of managing their permits. Additionally, Ecology may adjust the water discharge fee schedule annually through December 31, 2011. Ecology must evaluate the existing fee structure and report its findings to the Legislature by December 31, 2009.

**EFFECT OF CHANGES MADE BY ENVIRONMENT, WATER & ENERGY COMMITTEE (Recommended Substitute):** Allows the Department of Ecology to raise fees by the fiscal growth factor for the fiscal year 2010 and 2011, except that there may be no increase in fees for in those years for categories of dischargers whose fees exceed the costs of managing their permits. Requires Ecology, in consultation with a NPDES permit fee advisory committee, to evaluate the existing fee structure and report its findings to the Legislature by December 31, 2009.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 2009.  
[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: The concept for this bill came from recommendations from a stakeholder group. Ecology has faced a deficit in fees brought in to cover the costs of implementing the program. This bill would allow Ecology to adjust fees for some municipalities that are at the capped limit currently.

**Persons Testifying:** PRO: Bruce Wishart, People for Puget Sound; Ed Thorpe, Coalition for Clean Water.